

**`Honoring Our Veterans and the Law
Council President Scott Peters
For the La Jolla Light**

For more than 50 years, a war memorial has been upon Mount Soledad to honor the men and women who sacrificed their lives for our country, and serving as a landmark to sailors returning home to San Diego. The memorial was built and is maintained by the Mt. Soledad Memorial Association, a volunteer group of veterans and people who want to recognize our veterans, many of whom live in La Jolla.

For the past 17 years, that memorial has been the subject of painful and expensive argument in the courts because of the cross. In response to this litigation, the city has pursued a number of strategies aimed at keeping the cross atop the mountain. We twice tried to sell the land to a private party; both times the courts found the sale unconstitutional. The public has voted on the matter three times, including last year's Proposition A, which would have transferred the land under the cross to the federal government. The courts found that land transfer unconstitutional as well. The city has lost in court at every turn, including a refusal by the U.S. Supreme Court to hear our attempt to overturn the Court of Appeals' decision.

It is apparent that time is running out. Earlier this month, U.S. District Judge Gordon Thompson ordered the city to move the cross within 90 days or face fines of \$5,000 per day. That's more than \$1.8 million a year! This city is in no shape to pay such fines.

Congressman Duncan Hunter and Mayor Sanders have asked President Bush to take the land under the cross through the power of eminent domain. As time passes, it seems less likely that the federal government will do this. In any event, it would likely not cure the constitutional problem. Courts have ruled in other similar cases that similar Latin crosses on federal land, even if they are war memorials, are unconstitutional and must be removed.

Meanwhile, the city is continuing its fight in the courts, at a cost of hundreds of thousands of dollars. The City Council has authorized the City Attorney to file an appeal of Judge Thompson's ruling and request a stay of the \$5,000 a day fines until that appeal can be heard. Unless the stay is granted, the fines will be owed beginning August 1.

I share the frustration of many about this state of affairs. Many people are angry that one plaintiff, and a handful of judges, could force a result so different from the clear desire of the majority. I wish that the cross could remain, and I personally disagree with some of the court rulings. However, majority rule does not trump the constitution, and the federal courts decide the meaning of the constitution. As long as the courts continue to rule against the cross, we will be left with no alternative but to move it.

I fear that the cross will need to be moved this summer. If so, I will work with the Mount Soledad Memorial Association to find a suitable site for the cross. And I am confident

that the Mt. Soledad War Memorial will continue to honor the sacrifice made by our veterans, with or without the cross.